

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MICHELE SUGGETT and DON JAMES,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

MENU FOODS, a foreign corporation; THE
IAMS COMPANY, a foreign corporation;
EUKANUBA, a foreign corporation; DOG
FOOD PRODUCERS 1-100; and CAT FOOD
PRODUCERS 1-100; and DOES 1-100,

Defendants.

No. CV 07-0457 RSM

STIPULATION AND [PROPOSED]
ORDER STAYING ALL
PROCEEDINGS AND FOR
PRESERVATION OF EVIDENCE

WHEREAS, this case is one of over sixty (60) putative class actions filed in this court and several other courts throughout the country for damages and injunctive relief, arising from the manufacture, distribution and/or sale of pet food products by Defendant Menu Foods.

WHEREAS, on March 30, 2007, Plaintiffs filed a Motion for Transfer and Consolidation of Related Actions to the Western District of Washington Under 28 U.S.C. § 1407. Other parties have moved for transfer of all related actions to the Southern District of

STIPULATION AND [PROPOSED] ORDER
STAYING ALL PROCEEDINGS AND FOR
PRESERVATION OF EVIDENCE – CV 07-0457
RSM - 1

GARDNER BOND TRABOLSI PLLC
ATTORNEYS
2200 SIXTH AVENUE, SUITE 600
SEATTLE, WASHINGTON 98121
TELEPHONE (206) 256-6309
FACSIMILE (206) 256-6318

1 Florida, the Central District of California, the District of New Jersey, and the Northern
2 District of Illinois.

3 WHEREAS, the MDL Panel will determine whether all actions, including this action,
4 should be transferred and coordinated and/or consolidated under 28 U.S.C. § 1407 for pretrial
5 proceedings. The MDL Panel has set this matter for hearing on May 31, 2007 in Las Vegas,
6 Nevada; and

7 WHEREAS, the parties believe that in the short intervening time between now and a
8 decision by the MDL Panel on transfer and coordination and/or consolidation, a stay of these
9 proceedings will conserve party and judicial resources.

10 IT IS HEREBY STIPULATED by and between Plaintiffs and Defendant Menu Foods,
11 through their designated counsel that this matter, including the deadlines for the parties to
12 participate in class certification and other pretrial proceedings, be stayed pending the
13 establishment of *In re: Pet Food Products Liability Litigation*, MDL Docket No. 1850, and
14 the potential subsequent transfer of this case for coordinated pretrial proceedings with other
15 actions pending throughout the country.

16 All parties shall, during the pendency of the stay of this matter, comply with their duty
17 to preserve all evidence that may be relevant to this action. This duty extends to documents,
18 electronic data, and tangible things in the possession, custody and control of the parties to this
19 action, and any employees, agents, contractors, or carriers who possess materials reasonably
20 anticipated to be the subject of discovery in this action. "Preservation" is to be interpreted
21 broadly to accomplish the goal of maintaining the integrity of all documents, data and tangible
22 things reasonably anticipated to be the subject of discovery under Fed. R. Civ. P. 26, 45 and
23 56(e) in this action. Preservation includes taking reasonable steps to prevent the partial or full
destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration,
theft, or mutation of such material, as well as negligent or intentional handling that would
make material incomplete or inaccessible. If the business practices of any party involve the

1 routine destruction, recycling, relocation, or mutation of materials, the party must, to the
2 extent practicable for the pendency of this order, either:

- 3 i) halt such business practices;
4 ii) sequester or remove such material from the business process; or
5 iii) arrange for the preservation of complete and accurate duplicates or
6 copies of such material, suitable for later discovery if requested.

7 IT IS SO STIPULATED.

8 Dated: May 2, 2007

9 Respectfully submitted,

10 ANIMAL LAW OFFICES OF ADAM P. KARP

11 By /s/ Adam P. Karp (via telephone authorization)
12 ADAM P. KARP, WSBA No. 28622
Attorneys for Defendant

13
14 Dated: May 2, 2007

Respectfully submitted,

15 GARDNER BOND TRABOLSI PLLC

16
17 By /s/ Jeffrey T. Kestle
JEFFREY T. KESTLE, WSBA No. 29648
18 Attorneys for Defendant
19
20
21
22
23

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

RICARDO S. MARTINEZ
JUDGE, UNITED STATES DISTRICT COURT